

PATENT

Application No.: 10/757,255
Express Mail No. XX XXXXXXXXXX US

REMARKS

- Prior to this amendment:
 - Claims 1, 3-5, 7, 8, 10-14, and 16-20 are pending.
- Upon entry of this amendment, which is respectfully requested for the reasons given below:
 - Claims 1, 3-5, 7, 8, 10-14, and 16-20 will be pending.

1. Claim Rejections – Section 103

Claims 1, 3-5, 7, 8, 10-14

The Examiner has rejected claims 1, 3-4, 7, 10-12, and 14 as being unpatentable over Garlock (US 20020093882) in view of Yoo (US 5305290) and Dennison (US 3228688). The Examiner has rejected claim 5 in further view of Imgruth (US 4236239), claim 8 in further view of Kashio (US 4078375), and claim 13 in further view of Rast (US 6904001) and Wales (US 2676086). Applicants respectfully traverse these rejections.

The Examiner states with respect to claim 1, “it would have been obvious to one skilled in the art to make Garlock’s second display face in roughly the opposite direction of the first display as taught by Dennison and Yoo. The suggestion or motivation for doing so would be to indicate information to two separate people facing in opposite directions, as taught by Dennison.” The Examiner states similar motivations with respect to claim 3.

Applicants believe that there is no motivation to combine Garlock and Dennison because Garlock does not face the problem stated by Dennison. The motivation for Dennison’s score display is that both players be able to see the status of the game. For example, Dennison states “FIG. 11... clearly shows the opposite face of the score display means carried above the game board, the arrangement being such that either player position at either end of the game board will be able to visibly see the exact status of the game as it progress...” (column 3, lines 44-50). However, the situation in Dennison is clearly different from a situation found in a game of chess, or other games described by Garlock, such as go or backgammon. Namely, in a game of chess (or other board

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games), the "game clock" is to the side of both players (see Applicants' figure 12, for example). Thus, both players can *already* see the displays, even when the displays are facing in the same direction as in Garlock. Dennison only has a score display with opposing faces because the score display is situated directly between two players, and not to the side of them. Applicants believe that the Examiner is incorrect in stating a motivation to combine Garlock and Dennison because Garlock does not have the problem of Dennison. Why should Garlock create a display facing in the opposite direction if both game players can already see the displays disclosed in Garlock?

Applicants therefore respectfully submit that independent claims 1 and 3 are in condition for allowance and, as a consequence, so are dependent claims 4-5, 7, 8, 10-14.

Claims 16-19

The Examiner has rejected claims 16-17 as being unpatentable over Garlock (US 20020093882) in view of Kifer (US 6102399). The Examiner has rejected claim 18 in further view of Yoo and Dennison, and claim 19 in further view of Imgruth. Applicants respectfully traverse the rejections.

The Examiner states that "it would have been obvious to one skilled in the art to modify Garlock's invention to time four players instead of two by increasing the number of buttons to four instead of two. The suggestion or motivation for doing so would be to allow the device to be used to time Kifer's four player version of chess." However, Garlock has not suggested that his invention be applied to a four player game, nor has Kifer suggested that his four player game be timed.

Even if one were to accept that it is obvious to modify Garlock's invention to time four players (which Applicants do not accept), the Examiner has still not shown in any reference why such a motivation would result in Applicants' *particular* device according to Applicants' claim 16. For example, a device used to time four players might have only a single clock button, and the particular times remaining that are affected by a button press might depend on the current state of the device, e.g., on which player's turn it is. Applicants believe that motivation must be shown to combine references to arrive at Applicants' particular claimed device, not just to arrive at any device that could time a four player game.

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Claims 16, 20

The Examiner has rejected claims 16 and 20 as "being unpatentable over Garlock (US 20020093882) in view of applicant's admitted prior art and Yoo." Applicants respectfully traverse the rejection.

Applicants have not stated as prior art any reason why it would be desirable to track multiple games of chess using a single device. Applicants may have their own reasons, but such reasons are not part of any prior art Applicants have stated. The mere fact that multiple games are tracked in tournament play does not provide a reason to track multiple games using a single device.

The Examiner further states that "it is notoriously well known to house multiple devices in a single housing." Even if true, there are also many devices that are never placed in the same housing, often with good reason. For example, Applicants have never seen two shoes that were attached together. Thus, a blanket argument for combining like devices cannot be given, as some devices are amenable to combination, while others are not. Rather, a motivation for combining particular devices (in this case Garlock's devices) must be provided. Yoo provides reasons for combining ordinary clocks, but the Examiner has not shown why such reasons are also applicable to Garlock's device. As Applicants have argued above, a single of Garlock's devices is already sufficient to be visible to both players in a chess game.

In fact, Applicants can think of a number of reasons that would discourage the combination of "two of Garlock's devices in a common housing". For example, the combination might be costlier and bulkier than a single of Garlock's device. Further, a purchaser of such a device may have no particular reason to help time the game next to his. Even if two people were to jointly purchase "two of Garlock's devices in a common housing", those people would always have to sit next to each other in a chess tournament in order to benefit from the combination, an unlikely scenario.

In summary, Applicants believe that the Examiner has not shown sufficient motivation to combine two of Garlock's devices into a single housing. Accordingly, Applicants respectfully submit that independent claim 16 is in condition for allowance and, as a consequence, so are dependent claims 17-20.

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Conclusion


It is submitted that all of the remaining claims are now in condition for allowance, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if the Examiner has any questions regarding the present application, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Geoffrey M. Gelman at telephone number (617) 909-2066 or via electronic mail at gmgelman@gmail.com.

Respectfully submitted,

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Date


Geoffrey M. Gelman
Agent for Applicants
Registration No. 51,727
gmgelman@gmail.com
(617) 909-2066